

STATE OF SOUTH CAROLINA

(Caption of Case)

Southern Bread, LLC, Complainant/Petitioner v.
South Carolina Electric & Gas Company, Defendant/
Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2013 - 435 - E

(Please type or print)

Submitted by: William R. Padget

SC Bar Number: 72579

Address: 1201 Main Street, Suite 1800

Telephone: 803-765-2935

Columbia, South Carolina 29201

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PO Box 1799, Columbia, SC 29202

Other:

Email: bpadget@finkellaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input checked="" type="checkbox"/> Request |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form



William R. Padget, Esquire
bpadget@finkellaw.com

Reply to Columbia Office

January 27, 2014

Via Hand Delivery:

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Southern Bread, LLC vs. South Carolina Electric and Gas Company
Case No.: 2013-435-E
Our File No.: 74350-47500
Complainant's Written Request for Leave to Take the Deposition Testimony of
Defendant SCE&G's SCRCF Rule 30(b)(6) Designee(s) and Eddie Richardson

Dear Ms. Boyd:

Complainant Southern Bread, LLC herein requests the Commission for leave to take the deposition testimony of Defendant SCE&G's SCRCF Rule 30(b)(6) Designee and Eddie Richardson in accordance with S.C. Code Reg. § 103-834.

Complainant believes deposition testimony of Defendant SCE&G's SCRCF Rule 30(b)(6) Designee(s) is necessary to fully and fairly complete discovery between the parties. The Hearing Examiner's Directive dated December 5, 2013 provides for the orderly completion of discovery by February 7, 2014. The parties have diligently conducted certain written discovery to date. However, certain written discovery is still outstanding and certain documents and answers provided by Defendant need to be clarified by an appropriate representative(s) of the Defendant as designated. Additionally, Complainant has questions regarding the policies, practices and procedures of the Defendant that can only be effectively answered through deposition testimony of a designee(s) with specific information. Enclosed please find a copy of Complainant's Proposed Notice of 30(b)(6) Deposition of South Carolina Electric & Gas detailing the areas where a deposition of Defendant's designee(s) is necessary.

Complainant believes deposition testimony of Eddie Richardson who is employed with Mid-Carolina Electric Cooperative, Inc. is also necessary to fully and fairly complete discovery between the parties. Mr. Richardson is the Vice President of Member Services with Mid-Carolina, a provider of electrical services similar to Defendant. Complainant maintains electrical services accounts with Mid-Carolina. Complainant believes that Mr. Richardson can provide testimony as to what Mid-Carolina provides its customers as far as information and advice in selecting between schedule rate options as well as information regarding Mid-Carolina's policy on regularly determining the most efficient rate of service for its customers. This testimony relates to the expectations of a customer like Southern Bread and the obligation of SCE&G to provide "adequate, efficient, and reasonable service" in accordance with S.C. Code Ann. § 58-27-1510.

COLUMBIA

1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 252-0786

CHARLESTON

Litigation, Real Estate & REO
3955 Faber Place Drive, Suite 200
Post Office Box 225 (29402)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 577-5135

CHARLESTON

Foreclosure
3955 Faber Place Drive, Suite 200
Post Office Box 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 725-0015

Thank you for your consideration of this matter. By copy of this letter and Certificate of Service, we are hereby serving all parties of record.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", with a long, sweeping horizontal stroke extending to the right.

William R. Padget

WRP/cdh

Enclosures

cc: K. Chad Burgess, Esquire
Mitchell Willoughby, Esquire
Benjamin P. Mustian, Esquire
Jeffrey Nelson, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-435-E

IN RE:

Southern Bread, LLC

Complainant/Petitioner,

v.

South Carolina Electric & Gas Company,

Defendant/Respondent.

**COMPLAINANT'S NOTICE OF
30(b)(6) DEPOSITION OF SOUTH
CAROLINA ELECTRIC & GAS**

**TO: THE DEFENDANT, SOUTH CAROLINA ELECTRIC & GAS COMPANY AND
ITS ATTORNEYS, K. CHAD BURGESS, ESQUIRE, MATTHEW W.
GISSENDANNER, ESQUIRE, MITCHELL M. WILLOUGHBY, ESQUIRE,
AND BENJAMIN P. MUSTAIN, ESQUIRE:**

PLEASE TAKE NOTICE that the Complainant, through his undersigned attorneys, will take the deposition of the corporate officer(s), director(s) or managing agent or agents, or other person or persons who consent to testify on behalf of South Carolina Electric & Gas Company ("SCE&G") who is or are so designated by such entity on oral examination, pursuant to Rule 30(b)(6) of the South Carolina Rules of Civil Procedure ("SCRCP"), at a date and time to be mutually agreed upon by the parties at the office of Finkel Law Firm LLC, located at 1201 Main Street, Suite 1800, Columbia, South Carolina 29201, before a Notary Public or some other officer authorized by law to take depositions, said deposition to continue from day to day until completed.

SUBJECT MATTER

The individual or individuals designated by SCE&G in accordance with this Notice must be able to testify concerning the following:

1. Factual basis for SCE&G's denials and affirmative defenses of SCE&G's Answer to the Complainant's Complaint.
2. SCE&G's efforts to compile and respond to Complainant's discovery requests as well as details relating to SCE&G's discovery answers and responses.
3. Details regarding the initial issuance of and contracting for permanent power with Complainant at the following locations:
 - a. 6080 Garners Ferry Road, Columbia, South Carolina
 - b. 631 Promenade Place, Columbia, South Carolina
 - c. 5070 International Boulevard, North Charleston, South Carolina
 - d. 1311 North Main Street, Summerville, South Carolina
 - e. 2000 Sam Rittenberg Blvd. Charleston, South Carolina
4. Details regarding all communications between any members, employees, or agents of Complainant, to include James ("Jim") Crick, and SCE&G, its employees, representatives and agents as it relates to initial issuance of and contracting for permanent power with Complainant at the above mentioned locations.
5. Details regarding all communications between any members, employees, or agents of Complainant, to include James ("Jim") Crick, and SCE&G, its employees, representatives and agents as it relates to Complainant's requests for reparations for overcharges and SCE&G's denial of this request.

6. Details regarding all communications between any members, employees, or agents of Complainant, to include James (“Jim”) Crick, and SCE&G, its employees, representatives, and agents as it relates to the transferring of each of the above mentioned locations from Rate 9 to Rate 20.

7. Details regarding all disclosures of rate options, or the lack thereof, specifically made to members, employees, or agents of Complainant before and after the initial issuance of and contracting for permanent power with Complainant at each of the above mentioned locations.

8. Details regarding all attempts made by SCE&G, its employees, representatives, or agents to assist the Complainant, its members, employees, or agents, in determining which rate schedule to select for each respective store.

9. Details regarding SCE&G’s general practices, procedures, and policies as it relates to disclosing rate options to customers.

10. Details regarding SCE&G’s general practices, procedures, and policies as it relates to assisting customers in selecting between multiple rate options.

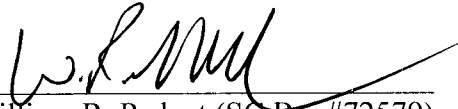
11. Details regarding any rate analyses of potential and active accounts and locations done by SCE&G, its employees, representative, agents, or independent contractors, including but not limited to SCE&G’s BestRate calculations.

12. Details regarding SCE&G’s, its employees, representatives, or agents evaluation or investigation relating to Complainant’s claim for reparations for being overcharged by SCE&G.

13. Details regarding SCE&G’s, its employees, representatives, or agents denial of the Complainant’s claim for reparations.

14. Details regarding any history that SCE&G may have of complaints being filed against it for failing to improperly inform and assist a customer in selecting the appropriate rate.

FINKEL LAW FIRM LLC
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
(803) 765-2935

A handwritten signature in black ink, appearing to read 'W. R. Padget', written over a horizontal line.

William R. Padget (SC Bar #72579)
Attorneys for Complainant

Columbia, South Carolina
January 27, 2014.

STATE OF SOUTH CAROLINA)	IN THE PUBLIC SERVICE COMMISSION
)	
COUNTY OF RICHLAND)	DOCKET NO.: 2013-435-E
)	
Southern Bread, LLC,)	
)	
Plaintiff,)	
)	
vs.)	CERTIFICATE OF SERVICE BY HAND
)	DELIVERY
South Carolina Electric and Gas)	
Company,)	
)	
Defendant)	
)	

I, the undersigned, of the law offices of Finkel Law Firm, LLC, attorneys for Plaintiffs, do hereby certify that I have served all counsel of record on this date, January 27, 2014, in this action with a copy of the pleading(s) herein below specified, by hand delivery to the following address(es):

PLEADINGS:

1. *Complainant's Written Request for Leave to Take the Deposition
Testimony of Defendant SCE&G's SCRCP Rule 30(b)(6) Designee(s) and
Eddie Richardson*

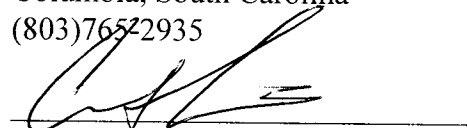
COUNSEL:

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Carl D. Hiller

Columbia, South Carolina
January 27, 2014